

Trafficking in Misery: Human Migrant Smuggling and Organized Crime

by Lenore Richards

Forged travel documents, human cargo in shipping containers, refugees on dangerous boats, marijuana growing operations, foreign prostitutes; they may all share a common origin. Human smuggling doesn't end when illegal migrants reach Canada. Voluntarily or under coercion, victims of the trade in human beings often support and contribute to criminal activity in the host country. The journey may even cost them their lives. In a June 2000 incident, 58 illegal Asian migrants were found dead in an air-locked truck in Dover, in an investigation by the National Crime Squad of England.

Today, there are as many as 200 million migrants throughout the world, and the United Nations' top anti-crime official, Italian sociologist Pino Arlacchi, states that trafficking in people is now the fastest-growing business of organized crime. Mr. Arlacchi, who worked closely on fighting the Mafia before becoming director general of the UN Office for Drug Control and Crime Prevention in 1998, said the incident in Holland was "the tip of the iceberg, and one of several incidents that show the magnitude and seriousness of the problem."¹

Improvements in transportation and communications have increased the mobility options of migrants and migrant smugglers, although they have not reduced the risks. Technology-facilitated production of high quality fraudulent travel and identity documents is a major industry fuelling illegal human migration, and illegal entry into North America is increasing. The United Nations calculates that 15 million of the world's total migrant population were

The United Nations High Commissioner for Human Rights holds the view that respect for the basic rights of migrants does not prejudice or otherwise restrict the sovereign right of all states to decide who should or should not enter their territories.

Ad hoc Committee on the Elaboration of a Convention against Transnational Organized Crime note A/AC.254.16

transported to their present countries by professional smugglers.

RCMP Immigration & Passport (I&P) Program

The RCMP Immigration and Passport Program acts as the criminal enforcement arm of Citizenship and Immigration Canada, responsible for investigating violations against the *Immigration Act*, *Citizenship Act*, *Canadian Passport Order* and *Criminal Code*. The program aims to combat and eradicate organized migrant smuggling, by working in concert with domestic and foreign agencies and communities in three enforcement priorities: combatting criminal organizations involved in smuggling illegal migrants to Canada; deterring unscrupulous or illegal activity on the part of professional immigration facilitators; and the timely acquisition and sharing of information and intelligence to enhance the national program strategy.

Profitability

The primary incentive for all organized criminal groups is profit, and alien smuggling makes money — making it attractive to "traditional" organized crime groups engaging in many kinds of criminal activity as well as groups specializing in migrant smuggling. Globally, smugglers make an estimated \$9.5 billion per year. A criminal organization will charge a potential migrant as much as \$70,000 to facili-

tate illegal travel to North America.

A December 1988 Joint Forces Operation with Combined Forces Asian Investigative Unit called "Project Over the Rainbow" resulted in the arrest of Chinese migrant smugglers moving 100 to 150 migrants per month through Canada to the United States. The smugglers charged \$47,000 US per migrant, with a potential profit of \$60 to \$84 million per year.

Many organizations use fraudulent travel documents and illegal migrants to further their criminal activities in drug trafficking, money laundering, prostitution and gambling. The RCMP Immigration and Passport Program sees three types of organized crime involvement in human migrant smuggling: from the simple delivery of persons, to the delivery of persons plus exploitation, and alien smuggling that facilitates other criminal activities.

Fraudulent Documents

In 1999, the RCMP I&P Program seized more than 7,000 counterfeit and altered travel documents with a street value of \$122 million. Current sophisticated technology produces high-quality fraudulent travel and identity documents used by organized criminal groups. Illegal migrants arriving by air must meet smugglers inside the airports and return their forged identity documents, which are often reused.



Team Building

The I&P Program has Letters of Agreement with Citizenship and Immigration Canada, and the Department of Foreign Affairs and International Trade (DFAIT).

I&P Program collects, analyses and disseminates tactical information concerning alien smuggling organizations to foreign and domestic law enforcement agencies. The information is entered on an RCMP database.

1. Strategies will not be achieved without significant effort and the development of multiple partnerships.

2. investigations tend to be complex and lengthy

Maritime Smuggling

"Boat People" on the West Coast

Since July 1999, Canadian authorities have intercepted numerous ships attempting to land illegal Chinese migrants on the coast of British Columbia. These incidents highlighted the issue of human migrant smuggling and moved it to the top of the public agenda, but they were not the first examples of illegal marine arrivals to Canada. In 1986, 155 Sri Lankans were dropped off the coast of Newfoundland, and in 1987, 174 Sikhs were left off the coast of Nova Scotia. Mass marine arrivals politicized whole issue of illegal migration and immediate changes were made to the *Immigration Act* creating several new offenses pertaining to organized alien smuggling.

But despite these high-profile incidents, Sgt. Jim Fisher, formerly Asian Organized Crime Coordinator at Criminal Intelligence Service Canada (CISC), stressed that the majority of illegal migrants come to Canada in other ways. "The boat people are important because they raise public consciousness, but in fact, they're the minority. Most migrants come through airports, with false documents." Airborne smuggling is more expensive, due to the need for forged

documents and air fare, but air travel is regularly scheduled, making it easier to move migrants.

Boats are cheaper, but require more active recruiting. Sgt. Fisher said, "Myths are circulated about the boats. People are told there are cinemas on board, but in fact these boats are fetid holes. Other rumours included the offer of a general amnesty to illegal migrants to mark the year 2000, and promises of jobs at the Sydney Olympic Games. These are lies, but they encourage sales. It's also spread about (in China) that children have a better chance of being allowed to stay. On the second boat that arrived in British Columbia, there were 14 persons aged 16 and five persons aged 15."

Sgt. Fisher described the organized smuggling of Chinese migrants as a complex problem rooted in cultural, historic and economic realities that law enforcement agencies must understand if they are to protect the immigration system and the population of Canada. The organization of Chinese alien smuggling, including the recruiters, the migrants, the smugglers and the target country, centres on the province of Fujian on China's south coast.

Fujian

With a population of 26 million, Fujian province has a distinct language and, said Sgt. Fisher, "a sea-based smuggling tradition and a history of institutionalized piracy." A Fukinese smuggling and

trading empire supplied labour for colonial powers in Southeast Asia in the eighteenth and nineteenth centuries. This tradition, said Sgt. Fisher, combined with a system of connections called *guanxi*, produces the transnational character of Asian migrant smuggling.

Guanxi

Sgt. Fisher mentioned the "network of connections" used by Asian criminal groups to conduct their activities, and in a 1999 study of transnational crime, Willard Myers describes Chinese criminal groups as "Orb weavers." Both these terms describe the web of social relations called *guanxi*, which Mr. Myers defines as a social strategy enabling individuals in a hierarchical society to gain access to limited resources.

It can be a difficult idea for Westerners, but Sgt. Fisher said that law enforcement officers must understand *guanxi* to be successful in fighting Asian Organized Crime (AOC). Mr. Myers describes how, unlike Westerners, Chinese are born into a multi-layered society in which social relationships are more important than individuals. In a society where resources are controlled by powerful elites, people need connections to ensure they gain access to the goods and services they need. *Guanxi* bonds are two-way agreements in which each party has the right to request a service from the other. A strong *guanxi* bond compels both parties to comply, ensuring equal repayment of the obligation and a balanced agreement.



Two Vancouver RCMP officers (2nd and 3rd from left) assist illegal Asian migrants abandoned on the Queen Charlotte Islands, B.C. in July 1999. Canadian Coast Guard ships are at right.

Photo by Cpl. Ken Ackles

Guanxi partners almost always share a common background or dialect, but they form bonds on expectation of repayment, not on affection.

To illustrate the importance of guanxi, Professor Myers gives the example of a western law enforcement officer who works with a Chinese community to investigate a crime. Confronted by regulations, hidden fees and bureaucratic tie-ups, the police officer becomes angry and confused. "When the law enforcement officer has trailed a major heroin trafficker across three continents and has him under surveillance with the co-operation of high-ranking Chinese law enforcement officers and the trafficker disappears in a wisp of smoke, he cries corruption and returns home." What the police officer fails to consider, says Professor Myers, is the guanxi network the drug trafficker has used to evade the police.

Of the many differences between western and eastern, or between relational and individual society, Mr. Myers says the difference in the role of law and the legal system is crucial for the police to understand. In the West, the legal system expresses society's values and provides arbitration when values conflict. But in Chinese society, conflict is resolved by guanxi bonds and the concept of face (mianzi). The legal system is less important, and open to manipulation by sectors of the state or powerful people, blurring the lines between criminal and legal acts. ²

Cultural Incentives: Peer Pressure and Snakeheads

Sgt. Fisher said "In the province of Fujian, there exists an expectation that you should attempt to emigrate, most often to North America which is referred to as "Gold Mountain." Families with children old enough to emigrate are looked on as inferior if those children do not make the attempt to leave. "This appears to only exist in Fujian, and forms a "self-contained cultural incentive" to emigrate. This attitude greatly contributes to the viewing of snakehead recruiters as legitimate businessmen. Next to the desire to improve economically, this peer pressure can provide the biggest incentive to employ a snakehead."

There are also two million people unemployed in China, and these factors combine to produce a criminal enterprise estimated to have brought half a million Chinese into the United States since 1984. ³

Snakeheads

The first players in the human migrant smuggling network are the recruiters, or snakeheads, and Sgt. Fisher stressed the importance of seeing these operators in context. "Snakeheads are thought of as businessmen. It's a job description, not a criminal epithet." Snakeheads seek migrants in China and send them on a dangerous journey to western Canada, often toward a final destination in the United States. Sgt. Fisher said, "The big snakeheads are international financiers; they can live anywhere." And they often are the first link between the migrant smuggling business and organized crime. "Many have triad membership in their past," he adds, "and they can contract recruiters, hire boats, crews and enforcers in China, get their clients to British Columbia and then move them to southern Ontario, where there are full-time smugglers who move them across the border."

As Sgt. Fisher explained, "There is a Fukinese self-contained community and economy in New York City, with a population of 400,000. Snakeheads can sell the labour of illegal migrants to New York brokers, mainly in the restaurant, construction and garment industries. The snakehead makes his money back fast; that's why they take people to New York City. There they can re-create guanxi, without barriers created by different language and dialect." An underground system is self-contained and operates for the Fukinese. "At first, they assimilated into the Cantonese community, but then they began to build their own."

Sgt. Fisher stated that Canadian law enforcement must monitor the growth and development of Fukinese communities in Canadian cities, before migrant smugglers create a "critical mass of population" that allows them to operate as they do in New York City. Because once they reach that critical mass, crime increases, including higher domestic violence and extortion. We need to closely monitor and

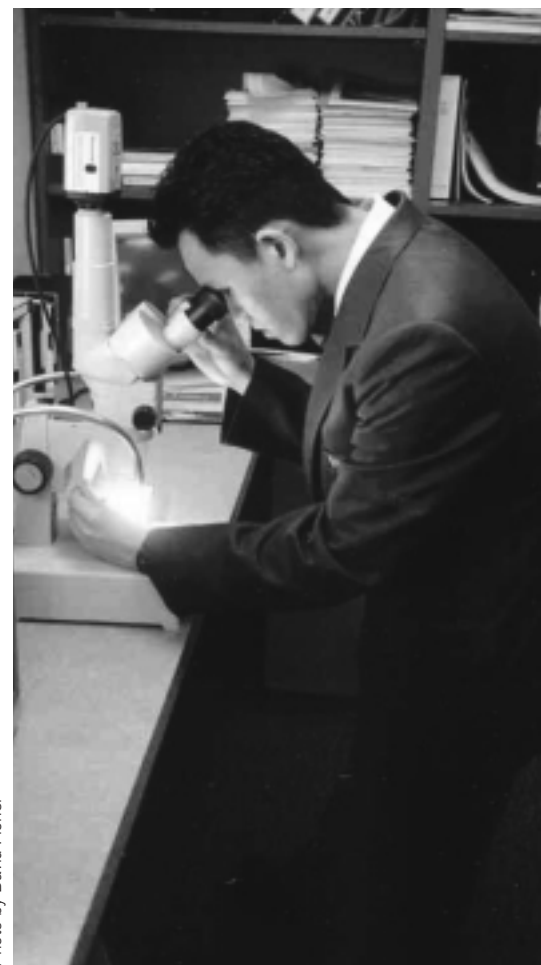


Photo by David Fisher

Customs and Immigration Canada employee at Vancouver International Airport uses a fluoroscope to inspect a forged passport.

attempt to control the population of illegal Fukinese migrants in large Canadian cities. This is imperative, because these people will be forced to live in conditions that will breed violence and crime. Subjected to overcrowding, slave wages and long hours, illegal migrants fall victim to extortion and continuous intimidation, warned that they cannot report anything to the police because they are illegal. Sgt. Fisher said, "Critical mass means that the Fukinese snakeheads can operate separately from the other communities of Chinese and thus employ techniques of abuse more easily."

In addition to the risk posed by their involvement in criminal activity, every illegal migrant compromises Canada's legal immigration system. And the U.S. experience shows how the system can be manipulated. Sgt. Fisher described how,



Canada Signs Global Convention to Stop Human Smuggling

Nations need better laws against forgery to stop human smuggling, a senior Canadian Citizenship and Immigration official said yesterday. The official, speaking at a media briefing about the *United Nations Convention Against Transnational Organized Crime*, said some countries don't have laws against the forging of passports issued by other countries — even though they don't allow citizens to forge the passports of their own. That means authorities can't always prosecute after raids on human smuggling operations uncover piles of fake documents, said the official.

Canada, along with more than 100 other countries, signed the *United Nations Convention Against Transnational Organized Crime* in December 2000, during a conference in Palermo, Italy. It also committed itself to two protocols

attached to the Convention that are intended to stop the smuggling of migrants and trafficking in people, which are encouraged by the forgery problem.

The *United Nations Convention Against Transnational Organized Crime* aims to define what constitutes organized crime. There are also provisions requiring signatories to criminalize activities closely associated with organized crime, such as bribery, money laundering and intimidating witnesses. Canada is already party to as many as 80 bilateral agreements for the purpose of sharing information and resources to fight organized crime, but the Convention calls for the broadening of that cooperation.

The UN estimates the profits of organized crime syndicates in 1999

were more than \$1.5 trillion, more than the gross domestic product of all but three of the world's nations. The Criminal Intelligence Service of Canada released a report on organized crime earlier in 2000 that listed among its biggest concerns organized crime originating in both Europe and Asia, including the smuggling of migrants, as well as outlaw motorcycle gangs and the sexual exploitation of children.

A senior official from the Solicitor General's office said the *United Nations Convention Against Transnational Organized Crime* supports efforts already under way in Canada to combat organized crime. The Convention must be ratified by 40 countries before it can come into force.

Source: Susan Burgess, "The Ottawa Citizen" (December 16, 2000)

in New York City, migrants face five-year waits for subsidized housing, "but if you're living at state expense, you get moved up the line. For example, if your tenement burns and you're put into a hotel at state expense, you jump the queue. There were cases of people burning their beds, then waiting, with their bags packed, to be rescued. That's how adaptable they can be." And he stressed the need for the Canadian law enforcement community to be prepared. "There's no excuse for us not to be ready. The reality of Fujian province and the Fukinese community is well known."

Strategies

Sgt. Fisher noted that cooperation is key to fighting the problem of human smuggling, and that Canadian law enforcement has learned much in recent years. He said, "If we believe we can do this, we

can, but we have to go backwards through the process to get at the organizations. It's impossible to safeguard all of Canada's borders and coastlines. We need cooperation with all groups. Appointing an RCMP Liaison Officer in Beijing is a good step, but we need to deal with the U.S. and China. We need to step back and let intelligence give us the whole picture. It's difficult to take out the recruiters, and there has been cooperation with Citizenship and Immigration Canada at the highest level, but we also need to cooperate with drug squads and form combined forces. We need to be using common databases, with standards for recording names."

He stressed the need to deter migrants from leaving their home country. "That makes it easier for us to interdict, but still focuses our attention on the whole

problem. We need to deter migrants from leaving their country by showing them that using a snakehead to emigrate to Canada was not successful. The best way of doing that is to return unsuccessful claimants to their own province. There is very good evidence that when the Chinese see people being returned, it directly results in a change of smuggling methods and a reduction in the number of attempts." He noted, however, that repatriation does not eliminate recruiting, so other deterrents are needed, including "stiff sentencing for those snakeheads convicted in Canada."

In 1999, illegal migrants on boats that arrived in B.C. were held in Prince George. Sgt. Fisher said this provided a real deterrent. "By holding the people in custody in Prince George, we influenced the smugglers and forced them to change their



Sgt. Fisher pointed out that "most of the people who come here just want to work hard and make a better life. But as soon as they leave China, they become the perfect victims who can be pushed into a violent underworld. Organized crime doesn't need more victims."

Canadian law enforcement must cooperate to fight migrant smuggling as a criminal enterprise run by organized crime. "That's why Canadians should be concerned, because organized crime shouldn't be allowed to make more money."

Migrant Smuggling in Eastern Europe

The Balkans

Recent conflict in Bosnia, Croatia and Kosovo has paved the way for human migrant smugglers promising escape for people throughout the Balkans. Albania, often used as a drug route, has forged a partnership with the Sicilian Mafia syndicate Cosa Nostra to become the primary smugglers of refugees for European sex rings. Late in 1999, 20 Albanian men were convicted in Milan, charged with transporting 800 Albanian children to Italy.

Russia

Sgt. Brian Scharf, of the Ottawa-Carleton Regional Police, Intelligence and Professional Standards Section, completed a four-year secondment to Criminal Intel-

ligence Service Canada (CISC) in October 2000. He specializes in Eastern European Organized Crime (EEOC) and said that human smuggling and trafficking in women and children is a growing problem in Russia. Continuing shortages of consumer goods and high unemployment figures contribute to EEOC and may encourage illegal migration.

He said, "Children are being smuggled and sold in the West. There was a story recently of a Russian school principal selling street children. There's also trafficking in women. Local people recruit women with ads in the newspapers and job seminars, and the local media advertise jobs in the West. These people are associated with criminals in North America, and the women are sold into prostitution."

Sgt. Scharf added that many EEOC kingpins are not in the former Soviet Union "because it's not safe there. Many of them leave for North America, maintaining their ties and networks in Russia."

Strategies

Sgt. Scharf pointed out that EEOC criminals "run their criminal enterprises like businesses. If we could get law enforcement to work as efficiently as they do, we could overpower them. Cooperation between all different enforcement agencies is essential. Criminal organizations evolve; we should, too. He agreed that multi-disciplinary forces are needed to fight organized crime. "We need to have professionals involved from business and industry. New organized crime units must realize that even specially trained police can't do it alone." 🍁

Endnotes

1. "People trafficking growing, UN official warns." National Post. June 26, 2000: A14.
2. Myers, Willard H. *The Global Webs: The Structure and Activities of Transnational Ethnic Chinese Criminal Groups*. Ed Nikos Passas. Dartmouth: Ashgate, 1999.
3. "Albanian clans emboldened by war." *Organized Crime Digest*. June 2, 1999: 2.

operation. "The snakeheads could not get them down to New York City into the underground employment system to begin paying off their debt. Unless the families in China were able to raise the money, the snakeheads would lose money on the people held in custody. They will not continue an unprofitable enterprise."

Snakeheads take some successful migrants back to the villages and cities of Fujian to advertise their services. Sgt. Fisher observed that when 90 illegal migrants were returned to China on a government plane in 1999, Canada also advertised to the Chinese that those migrants were not successful and deterred others from making the attempt.